25-milligram and 50-milligram *pyrilamine maleate tablets* were being held for sale at the Kimball Wholesale Drug Co., after shipment in interstate commerce, the defendants caused the *aluminum hydroxide gel* to be repacked into labeled bottles and caused labels to be affixed to the drums containing the *pyrilamine maleate tablets* and to the bottles containing the other drugs involved, and then caused such labeled bottles and drums of the drugs to be delivered to the Maricopa County Hospital, at Phoenix, Ariz., in purported fulfillment of a purchase order issued by Maricopa County through its board of supervisors, which acts resulted in the drugs contained in the labeled bottles and drums being misbranded and the *ear drops* being adulterated.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *ear drops* differed from that which it purported and was represented to possess in that it was represented to contain 1 percent phenol, whereas it contained 4.8 percent phenol.

Misbranding, Section 502 (a), the label statements "RC * * * Packaged By Contract For R & C Co., Nutley, N. J." and "R & C * * * Packed By Contract R & C Co., Nutley, N. J." displayed upon the bottles and drums containing the above-mentioned drugs were false and misleading. The statements represented and suggested and created the impression that the drugs were products of Reed & Carnrick, an acceptable drug firm listed in the "Call for Bids" on the furnishing of drugs to the Maricopa County Hospital issued by Maricopa County, whereas the drugs were not products of the firm of Reed & Carnrick but were products of another firm. Further misbranding, Section 502 (b) (1), the drugs failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, in that the name and address, "R & C Co., Nutley, N. J.," borne upon the labels of the drugs, were not the name and place of business of the manufacturer, packer, or distributor of the drugs.

DISPOSITION: June 15, 1953. The defendants having entered pleas of nolo contendere, the court fined Horace Kimball $200 and suspended the imposition of sentence against the corporation.

4268. Adulteration and misbranding of Livo Ferrum capsules. U. S. v. 2 Drums, etc. (F. D. C. No. 34926. Sample No. 49878–L.)

LIBEL FILED: April 7, 1953, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 18, 1952, by Bergen Pharmacal Co., Inc., from Jersey City, N. J.

PRODUCT: 2 20,000-capsule drums and 1 10,000-capsule drum of *Livo Ferrum capsules* at Brooklyn, N. Y.

LABEL, IN PART: (Drum) "Livo Ferrum Capsules Each Capsule Contains: Ferrous Sulfate Exicc. 3⅜ gr. * * * Niacinamide 5 gr. Intended for use in the treatment of iron deficient and nutritional anemias. Adult dose: 2 capsules 4 times daily."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 3⅜ grains of ferrous sulfate exsiccated and 5 grains of niacinamide per capsule.

Misbranding, Section 502 (a), the label statement "Each Capsule Contains: Ferrous Sulfate Exicc. 3⅜ gr. * * * Niacinamide 5 gr." was false and misleading as applied to the product, which contained less than 3⅜ grains of ferrous sulfate exsiccated and 5 grains of niacinamide per capsule.

DISPOSITION: January 21, 1954. Default decree of condemnation and destruction.

4269. Adulteration and misbranding of Hemate Formula tablets. U. S. v. 32 Bottles, etc. (F. D. C. No. 35422. Sample No. 39988–L.)

LIBEL FILED: October 6, 1953, District of Arizona.

ALLEGED SHIPMENT: On or about April 17, May 15, June 11, and July 10, 1953, by Hemate Products, from New York, N. Y.

PRODUCT: 32 120-tablet bottles and 31 30-tablet bottles of *Hemate Formula tablets* at Phoenix, Ariz. Examination of the article showed deficiencies in vitamin B_1 ranging from 32 percent to 43 percent and deficiencies in vitamin C ranging from 78 percent to 89 percent.

LABEL, IN PART: (Bottle) "The Hemate Formula Three tablets (Daily Dose) contain: Vitamin B_1 (Thiamine Hydrochloride) . . . . 15 Mg. * * * Vitamin C (Ascorbic Acid) . . . . 150 Mg. * * * Three Hemate Formula Tablets provide 15 times the minimum adult daily requirement (MADR) of Vitamin B_1; 5 times the MADR of Vitamin C."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely, 15 milligrams of vitamin B_1 and 150 milligrams of vitamin C per three tablets.

Misbranding, Section 502 (a), the label statement "Three tablets * * * contain: Vitamin B_1 * * * 15 Mg. * * * Vitamin C * * * 150 Mg." was false and misleading as applied to the article, which contained less than 15 milligrams of vitamin B_1 and less than 150 milligrams of vitamin C per three tablets.

DISPOSITION: December 3, 1953. Default decree of condemnation and destruction.

4270. Adulteration and misbranding of a vitamin preparation. U. S. v. 140 Bottles * * *. (F. D. C. No. 36109. Sample No. 73607–L.)

LIBEL FILED: November 12, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about June 25, 1953, from Philadelphia, Pa.

PRODUCT: 140 bottles of a *vitamin preparation* at Trenton, N. J. Analysis showed that the product contained 20 percent of the declared amount of vitamin A and approximately 50 percent of the declared amount of vitamin D.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely, 5,000 U. S. P. units of vitamin A and 1,000 U. S. P. units of vitamin D per 4 tablespoonfuls.

Misbranding, Section 502 (a), the label statement "Daily Recommended Dose Will Afford: Vitamin A (1 M. D. R.) . . . . 5,000 U. S. P. Units Vitamin D (2½ M. D. R.) . . . . 1,000 U. S. P. Units" was false and misleading as applied to the article, which contained less than the declared amounts of vitamin A and vitamin D.

The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: December 11, 1953. Default decree of condemnation and destruction.